1950. **File No.** O Maldas 50

Legal Deptt
A **BRANCH**

Subject:— Opinions under the Maldas Act 1887

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File No. O Māldas/50

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Legal Department File No O. Notebers/50

Sr. No.	R.I./	O.No.	Subject	Pages
			Opinions under the Notaries Act, 1957.	
1.		1769/13-11-50	Sec. 9. Whether male member postpones female when there are two Talukdars.	1-4

L.R.D.
1-6-56
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Whether male members postpones female when there are two takshins.

Matadars Act, 1887. Section 2

From the extract of the Kaiumbandi (portions marked A and B) it will be seen that Shri Varanasidas and his son Govinddas (ancestors of Ramdas Dayaldas, Trikam Raghunath, Bhukhandas and Narsindas) had both worked as Petal or Vahivatdar of the village Naya from Samvat year 1765 to Samvat year 1810. It also appears from the extract that Shri Trikam Raghunath and Ramdas Dayaldas have been recognised as matadars and according to G.R. No.7247, dated 16-7-1908 the two recognised branches descended from the original matadar will have to form the family for the purpose of section2 of Act V of 1886.(see section 9 of the Matadars Act, 1887). The Bombay High Court has laid down that even the partition of a Watan between two branches or takshins does not convert a Watan into two Watans.(Yeshvant Sateyana 2 Bom.L.R.420). The same principle applies to a mata. Since in this case Shri Govindas, the common progenitor is held to be the original acquirer of the mata in view of the fact that he did Vahivat of the village till Samvat year 1810 the two recognized fagilies can be held to constitute the 'family' for the the purposes of the said section. As stated above, Trikam Raghunath and Ramdas Dayal have been recognised as representative matadar families. On the death of her mother Bai Parwati, Shrimati Sharadeben has applied for entry of her name on the mata. But since in the other recognized branch of the matadar family there is a competing male member in Shri Parshottam Nathabhai he would postpone Sharadaben under section 2 of Act V of 1886. The second illustration in G.R.,R.D. No. 3359/24, dated 22-4-25 quoted by R.D. in support of its view suports the view taken above in-as-much as the claims of the other recognised members viz.

M.P.D.
8-6-56
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those descended from Kalidas in the said illustration were not considered by Government because that breanch did not put forward its claim for succession(see last sub-para. 44 in para. 7 of the G.R.) The view taken by R.D. in its note dated 5-12-49 at page 9 ante appears to be correct.

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Ramm Additional Secretary to Government.

U.R. to R.D.No. 15769, dated the 19th November 1950.

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